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DEC 23 2005

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TO: Examiner Chuc Tran

FAX NO.: 1-571-273-8300

COMPANY: U.S. Patent & Trademark Office, Art Unit 2821

FROM: Jean Kyle (Reg. No. 36,987) 

NUMBER OF PAGES (INCLUDING COVER SHEET): 6

DATE: December 23, 2005

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SUBJECT/MESSAGE: Re: Serial No. 10/827,216; Filed- 04/19/2004
Docket No. GIL-100XCD1

1. Supplemental Amendment- 3 pages
2. Copy of Notice of Non-Compliant Amendment- 2 pages

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FROM : SALIWANCHIK, JE Kyle

PHONE NO. : 1 406 375 1318

Dec. 23 2005 11:21AM P5



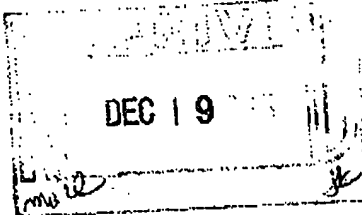
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,216	04/19/2004	Gilbert Fregoso	GIL-100XCD1	2937

46371 7390 12/13/2005

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EXAMINER

TRAN, CHUC

ART UNIT PAPER NUMBER

2821

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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AKK

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10827216

Examiner

Applicant(s)

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 2 December 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet", "New Sheet", or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Not included in complete listing of claims (1-19 and 22-35).
- ☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment must be resubmitted within the time period set forth in the final Office action.**
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Amanda Ford /

571-272-1573

Legal Instruments Examiner (LIE)

Telephone No.